

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA JESSE CANTU,

Plaintiff,

v.

JOHN DOE 1, JOHN DOE 2, P. WARD,  
B. XIONG, P. DUNN,

Defendants.

Case No. 1:20-CV-00386-NONE-HBK

ORDER DIRECTING PLAINTIFF TO  
PROVIDE WRITTEN NOTICE  
IDENTIFYING DEFENDANTS JOHN DOES  
1-2 FOR SERVICE OF PROCESS

NINETY (90) DAY DEADLINE

Plaintiff Joshua Jesse Cantu is appearing *pro se and in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On September 9, 2020, the then-assigned Magistrate Judge issued a findings and recommendation finding the complaint stated an excessive use of force claim as to John Does 1 and 2, P. Ward, B. Xiong, P. Dunn, but failed to state any other claims as to the remaining defendants. (Doc. No. 12 at 3, 6). Plaintiff filed objections. (Doc. No. 10). A June 2, 2021 Order adopted the findings and recommendation in full. (Doc. No. 12).

By separate order the Court has directed service of process of the named defendants. However, the Court cannot direct service on the John Doe Defendants because the U.S. Marshal cannot serve a Doe Defendant. Therefore, before the Court orders the U.S. Marshal to serve Defendants John Does 1-2, Plaintiff will be required to identify them with enough information to locate the defendants for service of process. Once Plaintiff identifies Defendants John Does 1-2 for service, he should file a motion to substitute the identity of Defendants John Does 1-2 in the

1 complaint. If the motion is granted, the Court will direct the U.S. Marshal to serve Defendants  
2 John Does 1–2. However, if Plaintiff fails to identify any of Defendants John Does 1–4, then the  
3 unidentified defendants will be dismissed from this action.

4 Accordingly, it is **ORDERED**:

- 5 1. Within **ninety (90) days** from the date of service of this order, Plaintiff SHALL file a  
6 motion to substitute the identities of Defendants John Does 1–2 that provides the Court  
7 with enough information to locate them for service of process; and
- 8 2. **The failure to comply with this order will result in dismissal of any of the**  
9 **unidentified defendants from this action, without prejudice, for failure to serve with**  
10 **process pursuant to Federal Rule of Civil Procedure 4(m).**

11  
12 IT IS SO ORDERED.

13 Dated: June 11, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE